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Docket No.: 20511 US (C38435/111693)

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REPLY UNDER
37 CFR § 1.116

EXPEDITED PROCEDURE

TECHNOLOGY CENTER 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akira ASAKURA, *et al.*)

Serial No.: 09/712,768) Examiner: E. Slobodyansky, Ph.D.

Filed: November 14, 2000) Art Unit: 1652

For: **CYTOCHROME C OXIDASE ENZYME**)
COMPLEX)

New York, New York
August 7, 2003

**RESPONSE TO OFFICE ACTION
INCLUDING AMENDMENT PURSUANT TO RULE 116**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on February 7, 2003, (Paper No. 13) and telephonic Examiner's Interviews between the Examiner and the undersigned conducted on July 15 and 17, 2003 ("Interviews"). In accordance with comments made by the Examiner during the Interviews, the following amendments are submitted to place the application in condition for allowance.

Application No.: 09/712,768
Amendment Dated: August 7, 2003
Reply to Office Action Dated: February 7, 2003

The Office Action set a three-month shortened statutory period for response. A three-month extension of time to respond to the Office Action has been requested and a Notice of Appeal has been filed in a separate paper captioned NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a). A courtesy copy of this paper is enclosed as Exhibit 1. Accordingly, this Response is timely filed with an executed certificate of mailing on or before August 7, 2003.

Because the Office Action made the rejection of the pending claims final, consideration of this response pursuant to the expedited procedure for response after final rejection set forth in MPEP § 714.13 (8th Ed., Rev. 1, February 2003, pp. 700-209 to 700-210) respectfully is solicited.

Please amend the application as follows:

AMENDMENTS TO THE SPECIFICATION begin on page 3 of this paper.

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims which begins on page 4 of this paper.

AMENDMENTS TO THE DRAWINGS: none.

REMARKS begin on page 25 of this paper.